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OFFICE OF PETITIONS

HARNESS DICKEY & PIERCE PLC
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In re reissue Application of :
Uhl, et al. :
Application No. 09/784,829 : DECISION ON PETITION
Filed: February 8, 2001 :
Attorney Docket No. 09287.0002- :
00000 :

This is in response to the petition under 37 CFR 1.47(b), filed December 22, 2011, which is properly treated as a petition under 37 CFR 1.183, to waive the requirement under 37 CFR 1.175 that all of the inventors sign the supplemental reissue declaration.¹

The petition under 37 CFR 1.183 is GRANTED.

Petitioner has established that a copy of the supplemental reissue declaration was forwarded to inventors Uhl, Henrion, Scriban, and Thiebaut, but that the inventors, by requesting compensation, have constructively refused to sign the declaration. Accordingly, it is concluded that this is an extraordinary situation where justice requires waiver of the rules.

¹ "If a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the nonsigning inventor." MPEP 1414.01(III).

The Supplemental Reissue Declaration will be entered, despite the fact that is not signed by any of the inventors.

As a petition under 37 CFR 1.183 requires a \$400 petition fee, an extra \$200 has been charged to Deposit Account No. 08-0750, as authorized.

The application is being forwarded to Group Art Unit 3737 for consideration of the RCE, filed December 22, 2011.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', with a stylized flourish at the end.

Cliff Congo
Petitions Attorney
Office of Petitions